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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF WASHINGTON

6 UNITED STATES OF AMERICA,  
7  
8 Plaintiff/Respondent,  
9  
10 v.  
11 VALENTINA CAMACHO VALENCIA,  
12  
13 Defendant/Petitioner.

CASE NO. 13-CR-6029-EFS  
(No. 4:17-CV-5125-EFS)

**ORDER DENYING PETITIONER'S  
SUCCESSIVE 28 U.S.C. § 2255  
MOTION FOR FAILURE TO COMPLY WITH  
§ 2255(h) AND CLOSING FILE**

12 Before the Court is Petitioner Valentina Camacho Valencia's  
13 "Habeas Corpus Pursuant to Article 1, Section 9, Clause 2 and 28  
14 U.S.C. § 2255 of the United States Constitution, 1789." ECF No. 95.  
15 The Court construes this motion as a motion to vacate or set aside  
16 sentence under 28 U.S.C. § 2255.

17 Ms. Valencia asks the Court to release her from custody because  
18 she "has discovered new evidence that, if proven and viewed [sic] in  
19 light of the evidence as a whole that no reasonable factfinder would  
20 vote against her." ECF No. 95 at 2. Among other things, Ms. Valencia  
21 argues that "[a]t the time of Affiant guilty plea and sentence, she  
22 discovered that she was tricked into signing an Unconscionable  
23 Contract; The Respondents never disclosed who the REAL PARTY in  
24 INTEREST was; Nor did they produce any legal Contract between the two  
25 parties herein." ECF No. 95 at 2.  
26

1 Ms. Valencia previously filed a § 2255 motion on August 1, 2016.  
2 ECF No. 93. The Court denied that motion on August 25, 2016. ECF  
3 No. 94. Section 2255(h) states:

4 A second or successive motion must be certified as provided  
5 in section 2244 by a panel of the appropriate court of  
appeals to contain-

- 6 (1) newly discovered evidence that, if proven and viewed in  
light of the evidence as a whole, would be sufficient  
7 to establish by clear and convincing evidence that no  
reasonable fact finder would have found the movant  
guilty of the offense; or  
8 (2) a new rule of constitutional law, made retroactive to  
cases on collateral review by the Supreme Court, that  
9 was previously unavailable.

10 28 U.S.C. § 2255(h); see also Rules Governing Section 2255 Proceedings  
11 in the United States District Courts, Rule 9 – Second or Successive  
12 Motions ("Before presenting a second or successive motion, the moving  
13 party must obtain an order from the appropriate court of appeals  
14 authorizing the district court to consider the motion . . . .").  
15 Because Ms. Valencia has not provided documentation that she obtained  
16 a § 2255(h) certificate from the Ninth Circuit before filing this  
17 successive § 2255 motion, the Court denies the motion.

18 To the extent Ms. Valencia may be attempting to bring a habeas  
19 petition under 28 U.S.C. § 2241, the Court also denies that petition.  
20 Ms. Valencia is currently serving her sentence at the BOP  
21 facility in Aliceville, Alabama. When an inmate argues that he  
22 is in custody in violation of the Constitution or law, she must  
23 name her custodian as respondent and bring the petition in a  
24 federal district court with jurisdiction over her custodian. 28  
25 U.S.C. § 2241; *Doganieri v. United States*, 914 F.2d 165, 169-70  
26

1 (holding that § 2241 petition must be addressed to district  
2 court having jurisdiction over custodian of the defendant).  
3 Accordingly, if Ms. Valencia would like to bring a § 2241  
4 petition, she must file the petition in the Northern District of  
5 Alabama, the district of her confinement.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. Mr. Valencia's "Habeas Corpus Pursuant to Article 1,  
8 Section 9, Clause 2 and 28 U.S.C. § 2255 of the United  
9 States Constitution, 1789," **ECF No. 95**, is **DENIED**.

10 2. The Court **DECLINES** to issue a certificate of appealability  
11 because this was Ms. Valencia's second § 2255 motion and  
12 she did not previously obtain certification from the Ninth  
13 Circuit to file the second § 2255 motion. See 28 U.S.C.  
14 § 2253(c)(2).

15 3. The Clerk's Office is directed to **CLOSE** this file and the  
16 related civil file, 4:17-CV-5125-EFS.

17 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this  
18 Order and provide copies to Ms. Valencia, counsel, and the Ninth  
19 Circuit.

20 **DATED** this 23<sup>rd</sup> day of August 2017.

21  
22 s/Edward F. Shea  
23 EDWARD F. SHEA  
24 Senior United States District Judge  
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